

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. C 06-3702 MMC

Plaintiff,

**ORDER DEFERRING RULING ON  
STIPULATION**

v.

THEODORE R. THAYER, et al.,

Defendants

The Court is in receipt of a Stipulation filed today's date and entered between plaintiff and three of the four named defendants, specifically, Theodore Thayer, Christine Bush, and State of California, Franchise Tax Board.

By said stipulation, the above-referenced parties seek to continue the Status Conference from May 25, 2007 to September 7, 2007. Because the September date is after the dates set for the Pretrial Conference and Trial, the Stipulation contains an implicit request to vacate the Pretrial Conference and Trial dates. The fourth defendant, Mortgage Electronic Registrations Systems, Inc., is not a signatory to the stipulation, however, nor is there any indication in the docket as to whether said party has been served or has a potential interest in the subject property.

Further, if the Court does vacate the Pretrial Conference and Trial dates, the Court is not inclined to maintain the matter on the Court's calendar, as opposed to entering a

1 dismissal conditioned on compliance with the terms of the settlement, absent a  
2 particularized showing of need therefor.

3 Accordingly, the Court will DEFER ruling on the Stipulation until Thursday, May 24,  
4 2007, at 1:00 p.m., to afford the parties thereto the opportunity to file one or more  
5 declarations addressing the status of said fourth defendant and the need, if any, for a  
6 continuance rather than a 90-120 day conditional dismissal.

7 **IT IS SO ORDERED.**

8  
9 Dated: May 22, 2007

  
MAXINE M. CHESNEY  
United States District Judge